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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,566	11/20/2003	Martin Cousineau	672-B01.US	7047

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,566

Applicant(s)

COUSINEAU, MARTIN

Examiner

Aaron M Dunwoody

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/20/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group 1 in the reply filed on 9/17/2004 is acknowledged.

Applicant's election with traverse of non-elected invention in the reply filed on 9/17/2004 is acknowledged. The traversal is on the ground(s) that claims 1, 2, 19 and 21-23 are generic. This is not found persuasive because Figure 10 fails to illustrate the clamping force of the force generator being sufficient to axially draw together the first and second looped ends so as to clamp the hose; therefore, none of the claims are generic.

The requirement is still deemed proper and is therefore made FINAL.

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statement (IDS) filed 11/20/2003 is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5299344, Oetiker in view of US patent 2659954, Woolsey.

In regards to claim 1, Oetiker disclose a clamp for a hose, the clamp including a loop for disposing around the hose and having first and second axially spaced apart looped ends (23, 33), the clamp comprising:

- a force generator (40), for drawing together the first and second looped ends, and connected to the first and second looped ends, the force generator including at least one spring (44) mounted thereon; and
- a spacer member (41) mounted on the force generator between the spring and the first looped end for axially transferring a clamping force from the force generator to the first and second looped ends, the clamping force being sufficient to axially draw together the first and second looped ends so as to clamp the hose. Oetiker does not disclose a disc spring. Woolsey teaches a disc spring (34) "to provide spring loading of substantially zero deflection rate" (col. 4, lines 68-69). As Woolsey relates to band clamps, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a disc spring to provide spring loading of substantially zero deflection rate, as taught by Woolsey.

In regards to claim 2, Oetiker discloses the first looped end includes a first outer face and a first inner face, and the second looped end includes a second outer face and a second inner face, the first and second outer faces being angled inwardly towards each other and the first and second inner faces being curved and disposed inwardly towards each other.

In regards to claim 3, Oetiker discloses the first looped end including first and second holes located in the respective first outer and inner faces and the second looped end includes third and fourth holes located in the respective second outer and inner faces, the holes being axially aligned with each other.

In regards to claim 4, Oetiker discloses the force generator including a bolt having a first bolt end and a second bolt end, the bolt passing through the first, second, third and fourth holes.

In regards to claim 5, Oetiker discloses the bolt including a threaded portion and a non-threaded portion, the non-threaded portion extending through and away from the first looped end.

In regards to claim 6, Oetiker in view of Woolsey disclose the disc spring and the spacer member being slidably mounted on the non-threaded portion, the disc spring being located near the first bolt end.

In regards to claim 7, Oetiker in view of Woolsey disclose the force generator further including a first capture nut mounted in the first looped end and a second capture nut mounted in the second looped end.

In regards to claim 8, Oetiker in view of Woolsey disclose the first capture nut including a non-threaded axial bore.

In regards to claim 9, Oetiker in view of Woolsey disclose the second capture nut including a threaded axial bore.

In regards to claim 10, Oetiker in view of Woolsey disclose the first and second capture nuts each including a curved end and a stem portion.

In regards to claim 11, Oetiker in view of Woolsey disclose the spacer member including a cylindrical collar with an axial bore sized to accommodate the bolt therein, the cylindrical collar having a force receiver end and a force transfer end.

In regards to claim 12, Oetiker in view of Woolsey disclose the stem portion of the first capture nut being disposed towards the first hole of the first looped end and abuts the force transfer end.

In regards to claim 16, Oetiker discloses the second bolt end including a stop.

In regards to claim 17, Oetiker discloses the stop being a lock nut, a Stover nut or a nylon insert nut.

In regards to claim 18, Oetiker discloses the Stover nut or the nylon insert nut being integral with the stem portion of the second capture nut.

In regards to claim 19, Oetiker discloses the first hole of the first looped end being larger than the second hole of the first looped end.

In regards to claim 20, Oetiker discloses the clamp loop, when viewed in cross section, including a planar portion and two ends that are angled away from the surface of the hose.

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In regards to claim 21, Woolsey discloses a plurality of paired disc springs.

In regards to claim 22, Oetiker discloses a plate being hingeable connected to the first looped end.

In regards to claim 23, Oetiker discloses the hose being a heavy-duty hose.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Examiner
Art Unit 3679

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